

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

TONY ROOKARD,

Defendant.

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**DECISION AND ORDER**  
05-CR-332S

1. On January 26, 2007, the Honorable H. Kenneth Schroeder, Jr., United States Magistrate Judge, filed a Report and Recommendation recommending that this Court deny Defendant's Motion to Suppress Evidence filed on January 10, 2006.

2. On April 1, 2007, Defendant filed timely Objections to Judge Schroeder's Report and Recommendation in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 72.3(a)(3). After full briefing, this Court heard oral argument on June 28, 2007, and took the matter under advisement.

3. This Court has thoroughly reviewed *de novo* Judge Schroeder's Report and Recommendation, Defendant's Objections thereto, and the applicable law. Upon due consideration, this Court finds no legal or factual error in Judge Schroeder's Report and Recommendation, and it concurs in his conclusions. Accordingly, Defendant's Objections are denied and this Court will accept Judge Schroeder's Report and Recommendation in its entirety.

IT HEREBY IS ORDERED, that this Court accepts Judge Schroeder's Report and Recommendation (Docket No. 39) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that Defendant's Objections (Docket No. 49) are DENIED.

FURTHER, that Defendant's Motion to Suppress Evidence (Docket No. 12) is DENIED for the reasons set forth in Judge Schroeder's Report and Recommendation.

FURTHER, that the status conference previously scheduled for July 30, 2007 at 9:00 a.m. has been moved to 2:00 p.m.

SO ORDERED.

Dated: July 27, 2007  
Buffalo, New York

/s/William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge